MINUTES OF THE PRIVATE PROTECTIVE SERVICES BOARD MEETING FEBRUARY 13, 2009 HOLIDAY INN BROWNSTONE 1707 HILLSBOROUGH STREET RALEIGH, NC 27605

BOARD MEMBER PRESENT

Richard Allen
James Stevens
Berkley Blanks
David Grimes
Brenda Bishop
Ron Burris
Bill Booth
Mack Donaldson
Steve Johnson
Richard Jenkins

Jimmy Ashe Sally Pleasant David Pendry

BOARD MEMBER ABSENT

Judge Burris Sheriff Jenkins

STAFF PRESENT

Terry Wright – Director Anthony Bonapart – Deputy Director Tim Pressley – Training Officer Charles McDarris – Attorney Joyce McClure - Board Secretary Garcia Graham – Licensing Assistant

GUEST PRESENT

David Arndt	Larry Flannery	Joe Bailer
Gary Thomas	Sybil Richards	Jeff Kiker
Tom Chickos	Glen Barnette	Chris Ruhlman
Chuck Savage	Sandy Russell	Audra Coleman
Bill Johnson	James Gilchrist	Randy Rabenold
Mike Copeland	Keith Chickos	David Shelton
Hunter Glass	Bob Forsythe	Monty Clark
Michael McFalling	Cheryl Thomas	Wayne Hern
J. S. Siske	Tom Rose	Scott J. Siano
Gary Pastor	Ann Lane	William Ratcliff
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Leroy Everhart Fredrick Stipe

Chairman Allen called the February 13, 2009 Private Protective Services Board meeting to order at 8:30 a.m. Mr. Allen welcomed all guests and requested they introduce themselves. Mr. Allen requested all phones and pagers be turned off during the meeting.

Attorney Charles McDarris explained the State Ethics Act, which addresses the ethics of public officials. This Order states specifically that if any Board Member has any conflict of interest, potential conflict of interest, or the appearance of a conflict, he or she should remove themselves from deliberation and vote on that matter and so state on the record.

GOOD OF THE ORDER:

Mr. Larry Flannery, President of NCAPI, spoke of having their annual Conference and the election of a new Board for NCAPI. Mr. Flannery advised that their Board was always available and could be called on at anytime to answer questions and to assist the industry.

APPROVAL OF THE DECEMBER 12, 2008 MEETING MINUTES:

MOTION BY MS. BISHOP TO APPROVE THE MINUTES AS PRESENTED SECONDED BY MR. BLANKS; MOTION CARRIED.

SCREENING COMMITTEE REPORT:

Mrs. Bishop reported that the Screening Committee met on Thursday, December 12, 2008 from 8:00 a.m. until 11:30 a.m. to review a total of 33 applications with 2 denials and 1 deferred. The remainder of the applications were approved (see report). Committee members were, Ms. Bishop, Mr. Pendry, Mrs. Pleasant and Mr. Ashe. Mrs. Bishop read the report for the record.

Mrs. Bishop presented the following registration report for the period of December 9, 2008 through February 10, 2009. Total registrations 2,972; armed totals were 489 of which 183 were new, 290 were renewals, and 13 reissue/dual. There was one new armed private investigator associate. The unarmed totals were 2,482, which include 1,137 new, 1,247 renewals, 88 transfer, 8 duplicates and 2 reissues/dual. Total denials 589 of which 217 for cause and 372 for correctable. There were 633 applications approved which were previously denied for a total of 1,581 denials reviewed.

For the record, Ms. Bishop recused herself for Mr. Bryan and Mr. Blanks recused himself from Anthony Jones. They are numbers 5 and 19 respectively on the report for Screening.

Ms. Bishop reviewed the Consent Agreement on number 10, Christopher Coffey, for \$1,938.00 for unlicensed activity.

Mr. Booth recused himself from number 3 and Mr. Grimes recused himself from number 19.

MOTION BY MR. STEVENS TO ACCEPT THE SCREENING REPORT AND REGISTRATION REPORT. SECONDED BY MR. DONALDSON; MOTION CARRIED.

Mr. McDarris presented the misdemeanor chart with the discussion of the chart as a guide for registration. It will be posted online for all to use in the industry to give insight on applications that they submit. Mr. McDarris's presentation also covered what constitutes a clear pattern of abuse of the law. The applicant and/or the company can meet with the Director, Deputy Director or staff to discuss possible denials.

MOTION BY MR. STEVENS TO APPROVE AS PRESENTED, SECOND BY MS. BISHOP; MOTION CARRIED.

GRIEVANCE COMMITTEE REPORT:

Mr. Grimes reported that the committee met on Wednesday February 11, 2009 from 9:00 a.m. until 11:30 a.m. and from 1:00 p.m. until 5:15 p.m. to hear a total of fifteen cases. The committee members were Mr. Grimes, Mr. Stevens, Mr. Booth and Mr. Donaldson. Mr. Grimes presented the attached report. (see attachment)

The Committee advised Weiser Security that they are not allowed to use their own trainers until given approval by the Board.

MOTION BY MR. ASHE TO ACCEPT THE GRIEVANCE COMMITTEE REPORT. SECONDED BY MR. BLANKS; MOTION CARRIED.

FINAL AGENCY DECISIONS:

Attorney McDarris removed himself as Attorney for the Board and presented the following cases. All parties had been properly noticed of this meeting.

Case number 08-DOJ-2561, David L. Walser vs PPS Board. Mr. Walser was not present. This case was heard by Administrative Law Judge Joe L. Webster on November 25. The case was based on the denial of the application for a Private Investigator License for lack of verifiable experience. The proposal of the Administrative Law Judge was to affirm the initial decision to deny the Petitioner's application for a Private Investigator License on the basis that the Petitioner failed to submit satisfactory proof of the requisite number of hours of verifiable investigative experience.

MOTION BY MR. BLANKS TO ACCEPT THE ADMINISTRATIVE LAW JUDGE'S DECISION. SECONDED BY MR. PENDRY; MOTION CARRIED.

Case number 07-DOJ-2286 Michael Copeland vs NCPPS Board was heard by Administrative Law Judge Beecher R. Gray on May 27, 2008. This case was based on a denial of unarmed guard registration due to a conviction of involuntary manslaughter. The Administrative Law Judge proposed the Board reverse the decision to deny his registration.

MOTION BY MR. BOOTH TO REVERSE THE ORIGINAL DECISION AND FOLLOW THE DECISION OF THE ADMINISTRATIVE LAW JUDGE. SECONDED BY MR. JOHNSON; MOTION CARRIED. TWO OPPOSED

Mr. McDarris returned as Attorney for the Board.

TRAINING & EDUCATION COMMITTEE:

Mr. Stevens advised the Training & Education Committee met on Thursday February 12, 2009 from 2:00 p.m. until 3:35 p.m. The committee members were Mr. Stevens, Mr. Johnson, Mr. Booth, Mr. Grimes and Mr. Allen.

Mr. Pressley gave his report. The following trainer courses are scheduled: February 2009, General Trainer Course at WTCC March 2009, Firearms Trainer Course at NCJA

The following PPS trainer courses have been completed: December 2008. General Trainer Course at WTCC

The North Carolina Polygraph Association gave a presentation to the Committee reflecting their view of the Voice Stress Analyzer License. There are only eight licenses issued at this time. Mr. Stevens recommended a subcommittee to study the issue of the Voice Stress Analyzer license. Mr. Blanks recommended tabling this issue until the Board is more financially endowed since it is not a major issue at this time. Mr. Booth suggested that three Board members be convened to investigate the issue and decide whether to continue or eliminate the PSE License.

MOTION BY MR. BOOTH TO HAVE THE CHAIRMAN APPOINT A THREE PERSON SUB COMMITTEE TO RESEARCH AND REPORT BACK IN AN APPROPRIATE TIME. SECONDED BY MR. GRIMES; MOTION CARRIED, ONE OPPOSED.

Mr. Stevens reported that the Industry brought the issue of the cost of firearms training to the Committee. The cost currently is variable dependent on the total number of applicants that remain after the first day. The Committee recommends raising the cost of the Firearms Trainer Course from \$125 to \$175 to be collected when the course is initiated.

MOTION BY MR. JOHNSON TO ACCEPT THE INCREASE WITH THE UNDERSTANDING THAT THE MONEY IS BEING COLLECTED FOR THE JUSTICE ACADEMY AND ANY EXCESS WILL BE APPLIED TO THE FOLLOWING COURSES TO RESULT IN A ZERO BALANCE AT THE END OF THE YEAR. SECONDED BY MR. GRIMES; MOTION CARRIED.

Mr. Stevens next addressed the Education Fund Grant Structure policy that was established by the Committee. Establishing an application with full procedures; a training and education sub committee consisting of three Training and Education Committee members to review the grants and to be rotated every six months. The Training and Education Committee to be charged with the responsibility for the oversight of the program and that the program should be used to sponsor the courses with the greatest industry wide audience. The grants are to be used as continuing education and not as basic training. (see attached report)

Mr. Booth proposed that due to the current financial situation, he would like the Staff to submit an estimated proposed annual budget, in order for the Training and Education Committee to plan the dispersement of monies from the fund to give flexibility to the program.

MOTION BY MR. BOOTH TO ACCEPT THE RECOMMENDATIONS OF THE TRAINING AND EDUCATION COMMITTEE. SECONDED BY MR. GRIMES; MOTION CARRIED.

Chairman Allen recommended that the implementation date and the maximum amount of the grants be tabled until the budget is analyzed

Mr. Stevens reviewed two more issues for the Board. The first issue was the draft of the two proposed rule changes regarding Continuing Education, requesting that the Board review the rules at the next meeting.

Mr. Booth reported on a new program at North Carolina State University in the Public Safety Leadership Center headed by Mary Easley. Mr. Allen and Mr. Booth will be the liaison to the program and the Continuing Education Program fund could sponsor some joint programs at the center.

GRIEVANCE COMMITTEE REPORT - NONE

<u>SCREENING COMMITTEE REPORT</u> - NONE

COMPUTER FORENSICS:

The Board received a letter from the American Bar Association stating their position of being in opposition to the requirement for a Private Investigator License for Digital Forensics. Mr. McDarris will draft a letter to the Association stating that it was not the Board's recommendation to require a Private Investigator License.

OUT OF STATE CRIMINAL RECORD CHECKS:

Mr. Donaldson reported that the Committee is ready to move forward to recommend the move to accept.

Mr. McDarris stated that they will use the AOC Vendor list as the guideline and to adopt the rules. (See the Attorney's report #2)

After discussion, Mr. Allen recommended that this issue be tabled until the next meeting.

MOTION BY MR. ASHE TO TABLE UNTIL THE NEXT MEETING, SECONDED BY MR. DONALDSON; MOTION CARRIED.

74C RE-WRITE COMMITTEE:

The amendments to G.S. 74C will be introduced in the legislature for consideration this session.

FINANCE COMMITTEE:

Mr. Blanks reported that the Committee met Thursday, February 12, 2009 from 4:00 p.m. until 5:15 p.m. Mr. Wright reviewed changes that were to be adopted by the Board. (see attached report)

As a result of the current economic situation, the Board will adopt a two day meeting agenda, Wednesday and Thursday with the Committees meeting at the following times:

Grievance Committee: 8:00 a.m. Wednesday Screening Committee: 2:00p.m. Wednesday

Training and Education Committee: 8:00a.m Thursday 74/C Re-write/Legislative Committee: 9:30a.m Thursday

Full Board Meeting: 10:00a.m. Thursday

All Board meetings are to be held in Raleigh for the rest of the year.

Investigators are to meet with applicants at the local offices and mileage on state vehicles is to be kept to the mandate of 1,050 miles per vehicle.

The 2% Administrative fee that is charged to PPS by DOJ has been waived until the beginning of the new fiscal year.

The per diem for Board members is to be waived as per the decision of each member. The fees will increase upon the Legislatures approval to eliminate the requirement for applicants to pay a \$38.00 fingerprint fee for renewals.

No out of State travel by Staff nor send any Board or Staff to the IASIR conference. Adopt a hiring freeze when positions become vacant.

Send reminders to companies regarding past due Consent Agreement accounts. Suspend all non-essential travel.

Elimination of overtime expenditures for staff working on the Registration backlog. Defer filling vacant positions on the Board.

All sub-committee meetings be held as part of the regular Board meetings.

A moratorium on all new expenditures.

Mr. Stevens requested an early electronic packet be sent to the Board members so the Board would be informed on some of the issues beforehand. Mr. McDarris addressed the issue and stated a form would need to be signed stipulating that Board must not discuss the issues with fellow Board members prior to the committee meeting.

MOTION BY MR. STEVENS TO ACCEPT, SECONDED BY MR. DONALDSON; MOTION CARRIED.

Infraction Notice for registration violations will be changed so that Staff can issue up to \$2500 and the staff will report back to the Committee as required. If there are more than two Infractions per year, they will be sent to the Board.

Mr. Stevens suggested that if there are any gray areas, even if the infraction is under \$2,500, they should be brought back to Grievance.

MOTION BY MR. BOOTH TO ACCEPT THE FINANCE COMMITTEE REPORT, SECONDED BY MS. BISHOP; MOTION CARRIED.

OLD BUSINESS: None

NEW BUSINESS: None

Mr. Wright advised that staff is currently working on online registration forms to be printed and returned to Private Protective Services.

DIRECTOR'S REPORT:

Mr. Wright presented his written report. The budget as of 02/01/09 we have \$200,104.91 and the recovery fund is \$54,798.12.

As of 02/01/09 we have a total of 12,667 PPS registrations, 1,668 licenses and 617 certifications for a total of 14,953 for PPS.

Mr. Wright reported that the agency handled 2,059 PPS correspondence and combined correspondence for both boards totaled 20,566.

MOTION TO ACCEPT THE DIRECTOR'S REPORT BY MR. BOOTH. SECONDED BY MR. ASHE; MOTION CARRIED.

ATTORNEY'S REPORT:

Attorney McDarris reported that all consents and hearings are current and the ten year rule has been removed.

The following rules are ready for Adoption .0112 and .0202 (see attached report)

MOTION BY MR. JOHNSON TO APPROVE BOTH RULES. SECONDED BY MR. STEVENS. MOTION CARRIED.

MISCELLANEOUS:

Mr. McDarris reported that the Chiefs of Police approved the proposed Badge as it is with absolutely **NO** deviations.

MOTION TO ACCEPT THE ATTORNEY'S REPORT BY MR. BOOTH. SECOND BY MR. STEVENS; MOTION CARRIED.

MOTION BY MR. BOOTH TO ADJOURN. SECONDED BY MR. BLANKS; MOTION CARRIED.

10:55 a.m. Adjourned.

Terry M. Wright, Director
Joyce McClure, Board Secretary